

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 18, 1998

DIVISION ONE

B124087 American Motorists Insurance Company (Certified for Publication)
v.
Superior Court, Los Angeles County
(Montrose Chemical Corporation of California, r.p.i.)

AMICO's petition is denied. Montrose is entitled to its costs of this writ proceeding.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

DIVISION TWO

B105789 Carlson (Certified for Partial Publication)
v.
State of California Department of Fish & Game

The judgment is reversed and remanded with directions to grant leave to amend the complaint. The parties are to bear their own costs on appeal.

Zebrowski, J.

We concur: Fukuto, Acting P.J.
 Nott, J.

December 18, 1998-Continued

DIVISION TWO (Continued)

B096798 Pacheco (Not for Publication)
v.
Riley

The judgment is reversed.

Zebrowski, J.

We concur: Boren, P.J.
 Fukuto, J.

B111557 Flores (Not for Publication)
v.
Southern Pacific Transportation Company

The judgment is reversed.

Zebrowski, J.

We concur: Fukuto, Acting P.J.
 Nott, J.

B099998 California State Electronics Association (Not for Publication)
v.
Sony Corporation of America

The order of dismissal as to the individual plaintiffs and the class is reversed. Appellants to recover costs on appeal.

Zebrowski, J.

We concur: Boren, P.J.
Fukuto, J.

DIVISION TWO (Continued)

Court convened at 9:15 A.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., and G. Villanueva, Deputy Clerk.

Each of the following:

B107211 People v. Askew
B114624 People v. Barba
B120137 People v. Baca
B113801 People v. Eldridge, et al.
B115973 People v. Hines
B122999 People v. Covington
B122597 People v. Burroughs
B119549 Binnggie v. Starlite Investments
B118901 People v. Camarena
B120417 People v. Hunt
B121243 In re: Cressida & Candida R.
B114680 People v. Thomas & Rogers-Wright
B119438 People v. Veyra
B122349 People v. Romero
B111675 People v. Williams
B117879 People v. Wallace
B121154 People v. Robert P.
B118402 In re: Shantil L. & Ronnell W.
B127321 Cybermedia Insur. v. Sup. Ct.
B115348 People v. Bates & Richardson
B116823 People v. Freire
B117414 People v. Manuel C.
B119365 People v. Ressler

Argument waived, cause submitted.

B107964 French Sadate Kugel & Coi.
 v.
 Wyser

Merits:

Argued by Carol Newman for appellant and by Shep Zebberman for respondent. Cause submitted.

DIVISION TWO (Continued)

B119688 People
 v.
 Victor G.

Merits:

Argued by Lisa Bassis for appellant and by Karen Bossonnette, Deputy Attorney General for respondent. Appellant given 10 days to file a letter brief and then matter to be submitted.

B121537 Universal Time
 v.
 Dowex

Merits:

Argued by Christopher Wong for appellant and by Robert Kostrenich for respondent. Cause submitted.

B116639 Agnew
 v.
 State Board of Equalization

Merits:

Argued by Jerome Mandel for appellant and by Richard Bakke for respondent. Cause submitted.

B117301 Stimpfel
 v.
 Fenstein & Gelber

Merits:

Argued by Ted Stimpfel, appellant in propria persona and by Roy Weatherup for respondent. Cause submitted.

DIVISION TWO (Continued)

B113071 Artesia Medical Dev. Co.
 v.
 D.M.M. Inc.

Merits:

Argued by William Weinberger for appellant and by William Anderson for respondent. Cause submitted.

Nott, J. leaves the bench.

B118114 Wollersheim
 v.
 Church of Scientology
 (Religious Technology, r.p.i.)

Merits:

Argued by Edward Horowitz & Barbara Reeves for appellants and by Cathy Shipe for respondent. Cause submitted.

Court Recessed.

The Court reconvened at 1:00 P.M.

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and G. Villanueva, Deputy Clerk.

B114169, B114822, B114824, B114825, B114826, B114818 & B114819

Hirt, et al.
 v.
 Bristol-Meyers Squibb Co., et al.

Merits:

Argued by Raphael Metzger and James Parker for appellant and by Curile Armbrister, Alan Steinbrecher, Brian Leske, David MacCuish, James Martin, Joseph Mascovich and Mark Geraghty for respondent. Cause submitted.

Court Adjourned.

December 18, 1998-Continued

DIVISION FOUR

B116459 Prince (Not for Publication)
v.
Hiss

The judgment is affirmed. Costs on appeal are awarded to respondent.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B117022 Desert Petroleum, Inc. (Not for Publication)
v.
Berkovics

The matter is reversed, appellant is to bear its own costs.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B120267 People (Not for Publication)
v.
Nguyen

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

December 18, 1998-Continued

DIVISION FOUR (Continued)

B122996 People (Not for Publication)
v.
Lord

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B120557 People (Not for Publication)
v.
Mitchell

The Court:

For the foregoing reasons, we modify the judgment to impose and stay a fine in the sum of \$400 pursuant to Penal Code section 1202.45 and, as modified, affirm. The Superior Court is directed to prepare an amended Abstract of Judgment which reflects the fine imposed pursuant to Penal Code section 1202.4 and the fine imposed and suspended pursuant to Penal Code section 1202.45.

Vogel (C.S.), P.J., Epstein, J., Curry, J.

B120621 People (Not for Publication)
v.
Upshaw

The Court:

For the foregoing reasons, we modify the judgment to impose and suspend a fine in the sum of \$200 pursuant to Penal Code section 1202.45 and, as modified, affirm. The Superior Court is directed to prepare an amended Abstract of Judgment which reflect the fine imposed pursuant to Penal Code section 1202.4 and the fine imposed and suspended pursuant to Penal Code section 1202.45.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

DIVISION FIVE

B117226 People (Not for Publication)
v.
Havey Laureano

The abstract of judgment is ordered corrected to reflect that the sentences on counts 2 and 3 for attempted murder were imposed consecutively to the sentence of count 1. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

B122064 Los Angeles County, D.C.S. (Not for Publication)
v.
Lori S.

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B118464 People (Not for Publication)
v.
Rothwell Shawn Simpson

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION FIVE (Continued)

B109569 Ralph Comas, et al. (Not for Publication)
 v.
 Ashland Chemical Company, et al.

The judgment is modified to reflect that the warning as to UNOCAL MEK was found to be adequate. Before any writs of execution are issued, the trial court is to calculate all offsets due to the settlements. In all other respects, the judgment is affirmed. Plaintiffs, Ralph Comas, James M. Richardson, Frank B. Espinosa, Ernest Vasquez, Willie Severe, Willie Davis, and Paul Walker, are to recover their costs on appeal from defendants from whom they individually secured a judgment in their favor.

Turner, P.J.

We concur: Grignon, J.
 Godoy Perez, J.

B119335 Los Angeles County D.C.S. (Certified for Publication)
 v.
 Gertie K.

The appeal is dismissed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B121916 People (Not for Publication)
 v.
 Joe Robert Guzman

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

December 18, 1998-Continued

DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B121214 Mark Ewart (Not for Publication)
v.
Denise A. Mitchell

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

B118111 People (Not for Publication)
v.
Edy Ramirez

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

December 18, 1998-Continued

DIVISION FIVE (Continued)

B125567 Colleen C. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J

B124873 Pacific Bell (Not for Publication)
v.
Superior Court, Los Angeles County
(John Allison, r.p.i.)

The petition for writ of mandate is denied. Plaintiffs are to recover their costs of this proceeding.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

DIVISION SIX

B121125 Federal Home Loan Mortgage (Certified For Publication)
v.
La Conchita Ranch Company

The order denying the motion to disqualify is affirmed. Costs are awarded to FHLMC.

Gilbert, J.

We concur: Stone, P.J.
 Coffee, J.

December 18, 1998-Continued

DIVISION SIX (Continued)

B123673 People (Not for Publication)
v.
Bairos

The judgment (order of commitment) is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B124827 People (Not for Publication)
v.
Napolitano

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B121144 People (Not for Publication)
v.
Pace

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B114300 Martinez
v.
Vintage Petroleum, Inc.

Filed order modifying opinion. (No change in the judgment)

DIVISION SEVEN

[illegible]

The order denying the motion to compel arbitration of any claims and staying arbitration of the contract claims is affirmed. Costs on appeal are awarded to respondent.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.